

REMARKS

I. Introduction

Claims 11 to 29 are currently pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 11 to 18, 21 to 23, 28, and 29 Under 35 U.S.C. § 102(b)

Claims 11 to 18, 21 to 23, 28, and 29 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,359,713 ("Tsunoda"). It is respectfully submitted that Tsunoda does not anticipate the present claims for the following reasons.

Claim 11 relates to a method for outputting at least one of information and status messages of at least one electrical device using speech, and recites outputting the at least one of information and status messages on an output device using an **intonation** in accordance with a relevance.

The Office Action refers to col. 5, lines 16 to 41 as allegedly disclosing outputting the information and/or messages using an intonation in accordance with a relevance. However, as set forth in Applicants' Response filed May 21, 2005, the section referred to by the Office Action refers to variations in **volume**. Nowhere does Tsunoda disclose, or even suggest, outputting information or speech using an **intonation** in accordance with a relevance.

In the Response to Arguments section, the Final Office Action, referring to column 7, lines 49 to 68 of Tsunoda, "notes that Tsunoda teaches outputting voices having different pitch, tone, and loudness so that a driver can distinguish warning information," and asserts that Tsunoda therefore discloses "adjusting a voice output with respect to tone, pitch, and loudness for distinguishing warning information importance." At column 7, lines 49 to 68, Tsunoda discusses the ability of a driver to **distinguish** sounds if they vary in pitch or tone, but does not indicate how the particular pitch or tone of a sound to be output is determined. In particular, Tsunoda does not indicate that such variations depend on a **relevance**. With respect to variations in sound depending on content of a message, Tsunoda discusses only variations in volume, and makes no reference to similarly varying pitch and tone. Column 5, lines 16 to 41. Accordingly, contrary to the Final Office Action's assertions, while Tsunoda may refer to voice output that may **differ** with respect to pitch and tone, nowhere does Tsunoda disclose "adjusting a voice output with respect to tone, pitch, and loudness **for distinguishing warning information importance**." Since Tsunoda does not

disclose, or even suggest, all of the features recited in claim 11, it is therefore respectfully submitted that Tsunoda does not anticipate claim 11.

As for claims 12 to 18, 22, 23, and 28, which ultimately depend from claim 11 and therefore include all of the features recited in claim 11, it is respectfully submitted that Tsunoda does not anticipate these dependent claims for the same reasons set forth above in support of the patentability of claim 11.

Claim 21 relates to a device for outputting at least one of information and status messages using speech, and recites that the at least one of information and status messages is output using an intonation in accordance with a relevance.

As set forth above in support of the patentability of claim 11, Tsunoda does not disclose, or even suggest, a device for outputting at least one of information and status messages using an intonation in accordance with a relevance. Thus, Tsunoda does not disclose, or even suggest, all of the features recited in claim 21. It is therefore, respectfully submitted that Tsunoda does not anticipate claim 21.

As for claim 29, which depends from claim 21 and therefore includes all of the features recited in claim 21, it is respectfully submitted that Tsunoda does not anticipate this dependent claim for the same reasons set forth above in support of the patentability of claim 21.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

III. Rejection of Claim 19 Under 35 U.S.C. § 103(a)

Claim 19 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Tsunoda and U.S. Patent No. 5,584,052 ("Gulau et al."). Applicants respectfully submit that the combination of Tsunoda and Gulau et al. does not render unpatentable claim 19 for the following reasons.

Claim 19 depends from claim 11 and therefore includes all of the features recited in claim 11. As set forth above in support of the patentability of claim 11, Tsunoda does not disclose or suggest all of the features recited in claim 11, from which claim 19 depends. Gulau et al. are not relied upon for disclosing or suggesting the features recited in claim 11 not disclosed or suggested by Tsunoda. Indeed, it is respectfully submitted that Gulau et al. do not disclose or suggest the features recited in claim 11 not disclosed or suggested by Tsunoda. It is therefore respectfully submitted that the combination of Tsunoda and Gulau et al. does not render unpatentable this dependent claim. *In re Fine*, 837 F.2d

1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988) (any dependent claim that depends from a non-obvious independent claim is non-obvious).

In view of the foregoing, withdrawal of this rejection is respectfully requested.

IV. **Rejection of Claims 20 and 26 Under 35 U.S.C. § 103(a)**

Claims 20 and 26 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Tsunoda and U.S. Patent No. 6,173,266 ("Marx et al."). Applicants respectfully submit that the combination of Tsunoda and Marx et al. does not render unpatentable either of claims 20 or 26 for the following reasons.

Claims 20 and 26 ultimately depend from claim 11 and therefore include all of the features recited in claim 11. As set forth above in support of the patentability of claim 11, Tsunoda does not disclose or suggest all of the features recited in claim 11. Marx et al. are not relied upon for disclosing or suggesting the features recited in claim 11 not disclosed or suggested by Tsunoda. Indeed, it is respectfully submitted that Marx et al. do not disclose or suggest the features recited in claim 11 not disclosed or suggested by Tsunoda. It is therefore respectfully submitted that the combination of Tsunoda and Marx et al. does not render unpatentable these dependent claims. *Id.*

Furthermore, with respect to claim 20, claim 20 recites changing a dialog-communication level in response to a failure to interact with a last of successive alternatives of at least one of information and status messages. In Marx et al., a fallback method will be used if it is determined that a **threshold retry number** is reached. Col. 13, lines 59 to 62. While Marx et al. may provide for alternative prompts, nevertheless, Marx et al. state that prompts and reprompts are continuously output as long as the threshold retry number is not reached. Accordingly, the switchover to the fallback method does not depend on a failure to interact with a last of successive alternatives. Even if a last alternative is output, the switchover does not occur unless the threshold retry number has been reached, i.e., even though further output of prompts or reprompts requires repeating a previously output prompt or reprompt.

In the Response to Arguments section, the Final Office Action asserts that Marx et al. disclose that a "last of the successive alternatives occurs when a threshold number of retries is reached." However, nowhere do Marx et al. disclose that the last of alternatives occurs when the threshold number of retries is reached. For example, with respect to Marx et al., if 100 alternative prompts are stored and the threshold number of retries is 50, the last of alternatives would not be reached when the threshold number of retries is reached.

Furthermore, even it should occur that output of the last of alternative prompts coincides with reaching of the threshold number, nowhere do Marx et al. disclose that a dialog-communication level is changed in response to output of the last of alternatives. For example, if 50 alternative prompts are stored and the threshold number of retries is 100 and all alternatives are successively output before repeating an already output prompt, then it will occur that the last of alternatives will be output, without changing to the fallback method, (to which the Office Action apparently refers as disclosing a changed dialog-communication level), because the threshold number has not been reached. Accordingly, the change to the fallback method is not responsive to “a failure to interact with a last of the successive alternatives.”

Since Marx et al. do not disclose or suggest changing a dialog-communication level in response to a failure to interact with a last of successive alternatives, for this additional reason, it is respectfully submitted that the combination of Tsunoda and Marx et al. does not render unpatentable claim 20.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

V. Rejection of Claim 24 Under 35 U.S.C. § 103(a)

Claim 24 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Tsunoda, Marx et al., and U.S. Patent No. 5,007,095 (“Nara et al.”). Applicants respectfully submit that the combination of Tsunoda, Marx et al., and Nara et al. does not render unpatentable claim 24 for the following reasons.

Claim 24 ultimately depends from claim 11 and therefore includes all of the features recited in claim 11. A set forth above in support of the patentability of claim 11, Tsunoda does not disclose or suggest all of the features recited in claim 11. The combination of Marx et al. and Nara et al. is not relied upon for disclosing or suggesting the features recited in claim 11 not disclosed or suggested by Tsunoda. Indeed, it is respectfully submitted that the combination of Marx et al. and Nara et al. does not disclose or suggest the features recited in claim 11 not disclosed or suggested by Tsunoda. It is therefore respectfully submitted that the combination of Tsunoda, Marx et al., and Nara et al. does not render unpatentable this dependent claim. *In re Fine, supra*.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

VI. Rejection of Claim 25 Under 35 U.S.C. § 103(a)

Claim 25 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Tsunoda, Marx et al., and U.S. Patent No. 4,400,787 (“Mandel et al.”).

Applicants respectfully submit that the combination of Tsunoda, Marx et al., and Mandel et al. does not render unpatentable claim 25 for the following reasons.

Claim 25 ultimately depends from claim 11 and therefore includes all of the features recited in claim 11. As set forth above in support of the patentability of claim 11, Tsunoda does not disclose or suggest all of the features recited in claim 11. The combination of Marx et al. and Mandel et al. is not relied upon for disclosing or suggesting the features recited in claim 11 not disclosed or suggested by Tsunoda. Indeed, it is respectfully submitted that the combination of Marx et al. and Mandel et al. does not disclose or suggest the features recited in claim 11 not disclosed or suggested by Tsunoda. It is therefore respectfully submitted that the combination of Tsunoda, Marx et al., and Mandel et al. does not render unpatentable this dependent claim. *Id.*

In view of the foregoing, withdrawal of this rejection is respectfully requested.

VII. Rejection of Claim 27 Under 35 U.S.C. § 103(a)

Claim 27 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Tsunoda, Marx et al., and U.S. Patent No. 5,864,805 (“Chen et al.”).

Applicants respectfully submit that the combination of Tsunoda, Marx et al., and Chen et al. does not render unpatentable claim 27 for the following reasons.

Claim 27 ultimately depends from claim 11 and therefore includes all of the features recited in claim 11. As set forth above in support of the patentability of claim 11, Tsunoda does not disclose or suggest all of the features recited in claim 11. The combination of Marx et al. and Chen et al. is not relied upon for disclosing or suggesting the features recited in claim 11 not disclosed or suggested by Tsunoda. Indeed, it is respectfully submitted that the combination of Marx et al. and Chen et al. does not disclose or suggest the features recited in claim 11 not disclosed or suggested by Tsunoda. It is therefore respectfully submitted that the combination of Tsunoda, Marx et al., and Chen et al. does not render unpatentable this dependent claim. *Id.*

In view of the foregoing, withdrawal of this rejection is respectfully requested.

VIII. Conclusion

In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

Dated: Dec. 29, 2005

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